

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	ORDER OF FORFEITURE/ <u>MONEY JUDGMENT</u>
- v. -	:	
	:	S3 17 Cr. 169 (JGK)
SHIVANAND MAHARAJ,	:	
	:	
Defendant.	:	
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WHEREAS, on or about July 11, 2019, SHIVANAND MAHARAJ (the “Defendant”), was charged in a four-count Superseding Indictment, S3 17 Cr. 169 (JGK) (the “Indictment”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); wire fraud, in violation of Title 18, United States Code, Sections 1343, 1346 and 2 (Count Two); conspiracy to give and offer kickbacks because of and to influence the operation of an employee benefit plan, in violation of Title 18, United States Code, Section 371 (Count Three); and giving and offering kickbacks because of and to influence the operation of an employee benefit plan, in violation of Title 18, United States Code, Sections 1954 and 2 (Count Four);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Counts Three and Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of all property, real and personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offenses charged in Counts Three and Four of the Indictment;

WHEREAS, on or about July 29, 2019, the Defendant was found guilty, following a jury trial, of Counts One through Four of the Indictment;

WHEREAS, the Government asserts that \$1,846,665 in United States currency represents property constituting or derived from proceeds traceable to the commission of the offenses charged in Counts Three and Four of the Indictment that the Defendant personally obtained;

WHEREAS, the Government seeks the entry of a money judgment in the amount of \$1,846,665 in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts Three and Four of the Indictment that the Defendant personally obtained, \$1,662,665 of which the Defendant is jointly and severally liable with co-defendant Enrico Rubano, to the extent a forfeiture money judgment is entered against Enrico Rubano in this case; and

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts Three and Four of the Indictment, to which the Defendant was found guilty following a jury trial, a money judgment in the amount of \$1,846,665 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts Three and Four of the Indictment that the Defendant personally obtained, \$1,662,665 of which the Defendant is jointly and severally liable with co-defendant Enrico Rubano to the extent a forfeiture money judgment is entered against Enrico Rubano in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant SHIVANAND MAHARAJ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

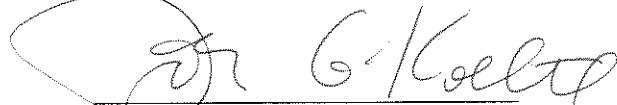
6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

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7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Dated: New York, New York  
February 24, 2022

SO ORDERED:

A handwritten signature in black ink, appearing to read "John G. Koetl", is written over a horizontal line.

HONORABLE JOHN G. KOETL  
UNITED STATES DISTRICT JUDGE